

# SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1942

No. 1043

THE UNITED STATES OF AMERICA, APPELLANT

vs.

CHARLES A. GASKIN

APPEAL FROM THE DISTRICT COURT OF THE UNITED STATES  
FOR THE NORTHERN DISTRICT OF FLORIDA

## INDEX

	Original	Print
Record from D. C. U. S., Northern Florida .....	1	1
Docket entries .....	1	1
Minute entries .....	2	1
Indictment .....	4	2
Demurrer .....	6	3
Minute entry of hearing on demurrer .....	9	4
Order sustaining demurrer .....	9	4
Opinion .....	10	5
Order sustaining demurrer [copy, omitted in printing] .....	12	5
Opinion [copy, omitted in printing] .....	12	5
Petition for appeal .....	15	5
Assignment of errors .....	23	6
Order allowing appeal .....	25	7
Citation [omitted in printing] .....	30	7
Praecipe for record .....	33	8
Clerk's certificate [omitted in printing] .....	35	8
Statement of points to be relied upon and designation of parts of the record to be printed .....	36	9
Order noting probable jurisdiction .....	38	9

1 In United States District Court for the Northern District  
of Florida

~~THE UNITED STATES~~

vs.

CHARLES A. GASKIN

*Docket entries*

Attorneys: For U. S., G. E. Hoffman. For Defendant, M. B. Knight, E. Clay Lewis.

11/11/42—Indictment returned and filed at Pensacola, for the violation of Sec. 444, Title 18, U. S. C. A.

11/14/42—Capias issued and bond fixed at \$2,500.

11/16/42—Bond in the sum of \$2,500 filed and case ordered transferred to Marianna Docket, bond returnable April 8, 1943, at Marianna.

3/19/43—Demurrer to indictment filed by deft.

4/ 5/43—Argument of counsel upon demurrer to indictment.

4/ 5/43—Demurrer sustained by order of court.

5/ 4/43—Petition for Direct Appeal to the Supreme Court of the United States.

5/ 4/43—Assignments of Error.

5/ 4/43—Statement of Jurisdiction in the Supreme Court of the United States.

5/ 4/43—Order allowing appeal to the Supreme Court of the United States.

5/ 4/43—Citation on Appeal.

5/ 4/43—Praecipe for Transcript of Record.  
Notice of Appeal.

2 In United States District Court

[Title omitted.]

Pensacola Indictment No. 4392

Title 18, Sec. 444, U. S. C.

*Minute entries*

Now at this time came the Grand Jury of the United States into Court and presented the foregoing entitled indictment endorsed "A True Bill, Grover C. Robinson, Foreman."

Thereupon the Court ordered said indictment filed and docketed.

And afterwards, to wit: on November 18th, 1942, the Court ordered the issuance of a capias and fixed bond for the defendant at \$2,500.00.

And afterwards, to wit: on November 16th, 1942, upon motion of the defendant the Court ordered that this indictment be transferred to the Marianna Docket for Trial on April 8th, 1943.

4

In United States District Court

*Indictment*

Filed Nov. 11, 1942

THE UNITED STATES OF AMERICA,

*Northern District of Florida.*

In the District Court of the United States, in and for the Northern District of Florida, at the regular term of said court begun and holden at the city of Pensacola in the Northern District of Florida on the second day of November A. D. 1942.

The Grand Jurors of the United States, duly elected, impaneled, sworn, and charged at the term aforesaid by the Court aforesaid to inquire in and for the body of the Northern District of Florida, upon their oaths do find, present, and charge:

That on or about the fifth day of August 1940 in the Northern District of Florida, before the return of this indictment and within the jurisdiction of this Court, Charles A. Gaskin did unlawfully, wilfully, and feloniously, arrest one James Johnson, to a condition of peonage: that is to say, the said Charles A. Gaskin, upon a claim of indebtedness alleged by him to be due him, the said Charles A. Gaskin, from the said James Johnson, and with the purpose and intent of causing the said James Johnson, against his will, to perform labor and work in satisfaction of said claimed debt, did then and there, forcibly and against the will, of him the said James Johnson, arrest and detain the said James Johnson, and transport him from a place at and near Panama City, Florida, to Wewahitchka, Florida, contrary to the form of the statute in such case made and provided, and against the peace and dignity of the United States. (Sec. 444, Title 18, U. S. C. A.)

(S) G. E. HOFFMAN,

*United States Attorney.*

(S) GROVER C. ROBINSON,

*Foreman of Grand Jury.*

6

In District Court of United States  
Northern District of Florida

[Title omitted.]

Received Mar. 18, 1943. Wm. Logan Hill, Clerk. 2:00.

*Demurrer to indictment*

Filed March 18, 1943

Now comes Charles A. Gaskin, defendant in the above-entitled cause, by Marion B. Knight, his attorney, and demurs to the indictment herein and for grounds of said demurrer, says:

1. Said indictment is not sufficient in law and that he, the said Charles A. Gaskin, is not bound by the law of the land, to answer the same, and this he is ready to verify.

2. Said indictment is not sufficient in law in that the same charges no offense against the laws of the United States of America, but merely state conclusions of the Pleador.

3. Said indictment is not sufficient in law in that the same charges that, "the said Charles A. Gaskin, upon a claim of indebtedness alleged by him to be due him, the said Charles A. Gaskin, from the said James Johnson, and with the purpose and intent of causing the said James Johnson, against his will, to perform labor and work in satisfaction of said claimed debt, did then and there, forcibly and against the will of him, the said James Johnson, arrest and detain the said James Johnson, and transport him from a place at and near Panama City, Florida, to Wewahitchka, Florida, contrary to the form of the statute in such case made and provided, and against the peace and dignity of the United States," but nowhere alleges facts showing wherein said

7 Charles A. Gaskin did require the said James Johnson to perform any labor in satisfaction of a debt or otherwise, and therefore the words are merely a conclusion of the Pleador.

4. Said indictment is not sufficient in law because the same purports to be an indictment charging Peonage, but from the facts alleged therein, it is shown that if any offence was committed the same would have been "false arrest," and/or "false imprisonment," and/or "impersonating an officer," and/or some other offence against the laws of the State of Florida and cognizable by State Courts and would not constitute a violation of the Laws of the United States, and that the indictment as a whole is insufficient and indefinite to such extent that the defendant is not advised thereby of the nature of the charges against him so that he may properly prepare and submit defenses thereto.

5. The alleged indictment relates solely to matters exclusively within the jurisdiction of the Laws of the State of Florida, and not within the inhibition of any statutes of the United States of America as required by Article VI of the Amendments to the Constitution of the United States.

Wherefore defendant prays that said indictment, and each and every count thereof, as to him, the said Charles A. Gaskin, defendant herein, be quashed and that he go hence without day.

Dated this the 18th day of March A. D. 1943.

MARION B. KNIGHT,  
*Attorney for Defendant.*

I, Marion B. Knight, attorney for the defendant, Charles A. Gaskin, in the above styled cause do hereby certify that in my opinion the above Demurrer is well founded in point of law. And, that the same is not filed for the purpose of delay.

MARION B. KNIGHT.

9 [Caption omitted.]

In United States District Court

*Minute entry of hearing on Demurrer*

April 5, 1943

Now at this time, the respective parties being in court, the defendant, Charles A. Gaskin, with counsel, this cause came on to be heard upon the demurrer filed by the defendant to the indictment returned herein by the Grand Jury on November 11, 1942, at Pensacola, Florida, and which was ordered transferred to the Marianna Docket.

In the District Court of the United States in and for the Northern District of Florida

MC Docket No. 761

UNITED STATES OF AMERICA, PLAINTIFF

vs.

CHARLES A. GASKIN, DEFENDANT

Arrest to Condition of Peonage

*Order sustaining demurrer*

April 5, 1943

This cause coming on to be considered this date in open court, the defendant being present in person and by counsel, upon the

demurrer challenging the sufficiency of the indictment to charge, and the statute (Section 444, Title 18, United States Code) in denouncing, the crime of arrest to a condition of peonage, and the same having been argued by counsel for the Government and the defendant, and the Court being advised of its opinion;

It is ordered that the demurrer be and the same is hereby sustained.

Done and ordered at Marianna this 5 day of April A. D. 1943.

(S) AUGUSTINE V. LONG,  
*United States District Judge.*

In United States District Court

*Opinion*

April 5, 1943

It is the view of the Court that Section 444, Title 18, United States Code Annotated does not visit a penalty for an arrest to a condition of peonage where the arrest is upon a claim of indebtedness for the purpose and intent of causing such person to perform labor and work in satisfaction of said debt forcibly and against the will of such person as alleged and set forth in the indictment returned in this case. There is no allegation in the indictment in this case that the alleged peon rendered any actual labor or service for the master. The statute contemplates actual servitude, and upon charge of an arrest to a condition of peonage, an indictment thereunder must carry an allegation with reference to servitude following the arrest. The failure of the indictment in this case to carry such allegation renders it vulnerable under the statute.

(S) AUGUSTINE V. LONG,  
*United States District Judge.*

12 [Order and opinion omitted. Printed side pages. 9-10 ante.]

15 In the District Court of the United States for the Northern District of Florida

Received May 4, 1943. Wm. Logan Hill, Clerk. 3:00.

[Title omitted.]

*Petition for appeal*

Filed May 4th, 1943

Comes now the United States of America, plaintiff herein, and states that on the 5th day of April 1943, the District Court of the



United States for the Northern District of Florida, sustained a demurrer to the indictment herein, and the United States of America, feeling aggrieved at the ruling of said District Court in sustaining said demurrer, prays that it may be allowed an appeal to the Supreme Court of the United States for a reversal of said judgment and order, and that a transcript of record in this cause, duly authenticated, may be sent to said Supreme Court of the United States.

Petitioner submits and presents to the court herewith a statement showing the basis of jurisdiction of the Supreme Court to entertain an appeal in said cause.

UNITED STATES OF AMERICA,  
GEORGE EARL HOFFMAN,  
*United States Attorney,  
Northern District of Florida.*

23 In the District Court of the United States for the Northern District of Florida

Received May 4, 1943. Wm. Logan Hill, Clerk. 3:00.  
[Title omitted.]

*Assignments of error*

Filed May 4th, 1943

Comes now the United States of America, by George Earl Hoffman, United States Attorney for the Northern District of Florida, and avers that in the record proceedings and judgment herein there is manifest error and against the just rights of said plaintiffs in this, to wit:

1. That the court erred in sustaining the demurrer to the indictment.

2. That the court erred in holding that an allegation of actual labor and involuntary servitude following arrest is necessary to charge the crime of arrest to a condition of peonage under 18 U. S. C., section 444.

(S) GEORGE EARL HOFFMAN,  
George Earl Hoffman,  
*United States Attorney,  
Northern District of Florida.*

25 In the District Court of the United States for the Northern  
District of Florida

Received May 4, 1943. Wm. Logan Hill, Clerk. 3:00.

[Title omitted.]

*Order allowing appeal to the Supreme Court of the United States*

Filed May 4th, 1943

This cause having come on this day before the Court on petition of the United States of America, plaintiff herein, praying an appeal to the Supreme Court of the United States for reversal of the judgment in this cause sustaining a demurrer by the defendants to the indictment in said cause, and that a duly certified copy of the record in said cause be transmitted to the Clerk of the Supreme Court of the United States, and that Court having heard and considered such petition, together with plaintiff's statements, showing the basis of the jurisdiction of the Supreme Court to entertain an appeal in said cause, the same having been duly filed with the Clerk of this Court, it is, therefore, by the Court ordered and adjudged that the plaintiff herein, the United States of America, be, and it is hereby, allowed an appeal from the order and judgment of this Court in sustaining the demurrer of the defendants to the indictment to the Supreme Court of the United States and that a duly certified copy of the record of said cause be transmitted to the Clerk of the Supreme Court.

26 It is further ordered that the United States of America be, and it is hereby permitted a period of forty days in which to file and docket the said appeal in the Supreme Court of the United States.

Dated at Pensacola this 4th day of May 1943.

By the Court:

AUGUSTINE V. LONG,  
*United States District Judge.*

30 [Citation in usual form showing service on Marion B.  
Knight omitted in printing.]



33 In the District Court of the United States  
for the Northern District of Florida

[Title omitted.]

*Praeceptum for transcript of record*

Filed May 4th, 1943

*To the Clerk, United States District Court for the Northern District of Florida:*

The appellant hereby directs that in preparing the transcript of the record in this cause in the United States District Court for the Northern District of Florida, in connection with its appeal to the Supreme Court of the United States, you include the following:

1. Docket entries and minute entries showing return of indictment, filing of demurrer and entry of order and judgment sustaining demurrer.
2. Indictment.
3. Demurrer.
4. Order and opinion sustaining demurrer.
5. Petition for appeal to the Supreme Court.
6. Statement of jurisdiction of the Supreme Court.
7. Assignments of error.
8. Order allowing appeal.
9. Notice of service on appellee of petition for appeal,
- 34 order allowing appeal, assignments of error, and statement as to jurisdiction.
10. Citation.
11. Praeceptum.

GEORGE EARL HOFFMAN,

*United States Attorney,*

*Northern District of Florida.*

Service of the foregoing Praeceptum for Transcript of Record is acknowledged this 6th day of May 1943.

(S) MARION B. KNIGHT,

*Counsel for Appellee.*

(S) E. CLAY LEWIS, JR.

May 6, 1943.

35 [Clerk's certificate to foregoing transcript omitted in printing.]

36 In the Supreme Court of the United States

*Statement of points to be relied upon and designation of record*

Filed June 16, 1943

Pursuant to Rule XIII, paragraph 9, of this Court, appellant states that it intends to rely upon all of the points in its assignments of error.

Appellant deems the entire record, as filed in the above-entitled case, necessary for the consideration of the points relied upon.

CHARLES FAHY,  
*Solicitor General.*

37 *Affidavit of service of statement of points to be relied upon and designation of record*

DISTRICT OF COLUMBIA, ss:

The undersigned, being first duly sworn, deposes and says:

On June 15, 1943, at Washington, D. C., I caused to be deposited in the United States Post Office in sealed envelopes addressed to Marion B. Knight, Esq., Blountstown, Florida, and E. Clay Lewis, Esq., Port St. Joe, Florida, counsel for the appellee in the above case, copies of the statement of points to be relied upon and designation of record.

MARY AGNES QUINN.

Subscribed and sworn to before me this fifteenth day of June 1943.

[SEAL]

N. MARVIN SMITH,  
*Notary Public, D. C.*

38 Supreme Court of the United States

*Order noting probable jurisdiction*

June 14, 1943

The statement of jurisdiction in this case having been submitted and considered by the Court, probable jurisdiction is noted and the case is transferred to the summary docket.

[Endorsement on cover:] File No. 47544. Northern Florida, D. C. U. S. Term No. 1943. The United States of America, Appellant vs. Charles A. Gaskin. Filed May 24, 1943. Term No. 1943 O. T. 1942.